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11 RAYMOND ARCHULETA, JR.

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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,)	NO. 6:05-mj-0037
Plaintiff,)	WAIVER OF DEFENDANT'S PERSONAL
)	PRESENCE; PROPOSED ORDER THEREUPON
v.)	Date: April 26, 2005
)	Time: 10:00 a.m.
RAYMOND ARCHULETA, JR.,)	Judge: Hon. William M. Wunderlich
Defendant.)	
)	

Defendant, Raymond Archuleta, Jr., pursuant to F. R. CRIM. P. 43 (b) (2) and (3), hereby waives his right to be personally present in open court upon the hearing of any proceeding in this cause including, but not limited to, his initial appearance before the magistrate court, entry of plea, and sentencing. **Defendant is aware that his initial appearance has been scheduled for April 26, 2005.**

Defendant hereby requests that this Court proceed in his absence on every occasion that the Court may permit, pursuant to this waiver. He agrees that his interests shall be represented at all times by the presence of his attorney, Carrie Leonetti of the Office of the Federal Defender, the same as if Defendant were personally present.

This request is being made for the reasons that: Defendant is represented by counsel; Defendant resides in Fresno, California; Defendant was mistakenly directed to and did appear in court on April 5, 2005, a day when court was not in session, for his initial appearance; Defendant desires to limit the number of his personal court appearances and minimize the time and expense of travel to court; and Defendant, through

1 counsel, has reached a written plea agreement with the Government in this case.

2 Defendant is aware that he has been charged with driving when his privilege had been suspended for
3 driving under the influence of alcohol, in violation of 36 C.F.R. § 4.2 and CAL. VEH. CODE § 14601.2
4 (Deering 1981), and having no license plate light, in violation of 36 C.F.R. § 4.2 and CAL. VEH. CODE § 24601
5 (Deering 1959). He has received a copy of the violation notice and statement of probable cause for each of
6 the charged offenses. He understands that the elements of the § 14601.2 charge are: (1) driving a motor
7 vehicle; (2) while the driving privilege is suspended or revoked for a violation of Cal. Veh. Code § 23152 or
8 § 23153; and (3) with knowledge of the suspension or revocation. He understands that the elements of the
9 § 24601 charge are: (1) operating a vehicle; (2) upon a highway; and (3) without a lamp illuminating with a
10 white light the rear license plate during darkness and rendering it clearly legible from a distance of fifty (50)
11 feet to the rear. He understands that each of the charges carries with it a maximum sentence of six (6) months
12 in custody and a \$5000.00 fine, as well as a \$10.00 statutory assessment, pursuant 18 U.S.C. § 3013 (1984).
13 He understands that he has a right not to make a statement and that any statement that he makes, including
14 one made in writing, may be used against him. By signing this waiver of his personal appearance, he waives
15 his right to further advisement of statutory and constitutional rights.

16 National Park Service Chief Legal Officer Elizabeth Waldow has advised counsel that she has no
17 objection to this waiver.

18 (Original signature of Raymond Archuleta, Jr.
19 maintained in file of C. Leonetti)

20 Dated: April 21, 2004

/s/ Raymond Archuleta, Jr.
RAYMOND ARCHULETA, JR.
Defendant

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24 Dated: April 18, 2005

/s/ Carrie S. Leonetti
CARRIE S. LEONETTI
Assistant Federal Defender
Attorney for Defendant
RAYMOND ARCHULETA, JR.

ORDER

GOOD CAUSE APPEARING, it is hereby ordered that Defendant's personal presence may be waived for all proceedings in the above-captioned case.

IT IS SO ORDERED.

Dated: April 22, 2005
mmkd34

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE